

**Manatee Protection Plan Review Committee (MPPRC)**  
**Minutes of October 1, 2008**

**Committee Attendees:** Brett Bibeau; Richard Bunnell; T. Spencer Crowley III; Judith Futerfas; David Gardner; Lynda Green; Mark Lewis; Kate L. Mansfield, Ph.D.; Manny Prieguez (Chair); Dick Townsend (Vice Chair); Julia Zaias, Ph.D.

**County Staff Attendees:** Carlos Espinosa, P.E. (DERM); Lee Hefty (DERM) Susan Markley, Ph.D. (DERM); Craig Grossenbacher (DERM); Lisbeth Britt (DERM); Molly Messer (DERM); Forrest Shaw (DERM); Nancy Revilla (DERM); Kevin Asher (Parks); Lubby Navarro (Office the Chair, BCC)

**Other Attendees:** A sign in sheet was provided for public sign in

1. **A quorum was established.** The meeting agenda is made a part by reference hereto. The meeting was called to order by Chairman Manny Prieguez at 1:30 P.M. Mr. David Gardner was welcomed as the newest member to the committee. The meeting was recorded on video and audio
2. **Florida Fish and Wildlife Conservation Commission (FWC)** presented a review of statutes and policy related to signage, jurisdiction, statutory requirements relating to penalties, and Miami-Dade statistics on staffing and enforcement efforts, including coordination with other agencies. The presentation was led by FWC Law Enforcement Captain Alan Richard, who is currently serving as Law Enforcement Legal Advisor and Assistant General Legal Council, and augmented by Major Paul Oulette, Boating and Waterways Division, and Capt. Mark Hodges, FWC Division of Law Enforcement, Miami-Dade section. A question and answer session ensued after the presentation. A summary of the staffing and enforcement information provided by FWC follows.

There are nine "on-water" FWC officers in the marine area and four additional officers patrolling the Water Conservation Areas currently, with 4455 enforcement hours logged within the last 12 months. Of that, 590 hours were logged patrolling specifically in manatee zones. FWC Officers logged 1173 contacts within the manatee zones with 187 Uniform Boating Citations and 231 warnings related to manatees issued from the beginning of this year to the end of July. When overtime is available, FWC encourages its use for enforcement in manatee zones but doesn't have enough staff to dedicate exclusively to these zones. The FWC is having difficulty maintaining staffing levels, because (based on exit interviews) the salary is not competitive in comparison with other enforcement agencies. A staffing study was performed by outside experts indicating that staffing increases are needed.

3. **Miami-Dade Police Department Marine Patrol** presented a summary of staffing , jurisdiction, enforcement hotspots, statistics on violations (slides presented) and collaborative efforts between state and local (including municipal) enforcement agencies as pertains to manatee rule enforcement. Collaboration includes hosting the Marine Advisory Support Team (MAST), Regional Domestic Security quarterly meetings, and Mutual Aid Agreements with municipalities. The presentation was led by Lt. John Ramos and augmented by SSgt's. William Saladrigas and Eli Gonzalez. A question and answer session ensued after the presentation. A summary of the staffing and

enforcement information provided by the Miami-Dade County Police Department follows.

There are currently 23 personnel assigned to the County Police Department's marine patrol unit. A total of 879 citations were issued by the Police Department from April to August 2008, of which 499 or 57% were manatee violations. Additional details on enforcement activities and size class of vessels involved in violations was included in the slide presentation (included by reference).

4. **Presentations from federal agencies** included Lt. Paul Steiner from the U.S. Coast Guard, Waterways Management Division and Officer Romer from Biscayne National Park, Law Enforcement Branch.

The Coast Guard augments enforcement of manatee regulations by requiring permits for special events such as regattas. The permits allow for and require education of participants and limit locations of events.

Biscayne National Park has 7 on water officers (2 to 4 on water per day) but most of their officers have less than one year of experience. Their jurisdiction is limited to within the Park Boundaries, but does include the active manatee areas of Black Point, Convoy Point, and Sands Cut. Their primary responsibility is protection of the resources within the Park and boating safety is secondary.

Although staff from the U. S. Fish and Wildlife Service was not in attendance, the enforcement procedures of their Uniform Enforcement Division were also explained. This involves video taping of boats engaged in manatee infractions from unmarked vessels. A summons is subsequently sent through the mail. A question and answer session ensued after the presentations.

5. **Presentations from municipal on-water agencies** included Sgt. Mike Gonzalez for the City of Miami Marine Patrol Unit, Officer David Sclumavitz for City of North Miami Marine Unit, Sgt. Patrick Caouse from Bay Harbor Islands, and Sgt. Bobby Randazzo for City of Sunny Isles Beach Marine Patrol Division. Each officer reported staffing, staffing needs, jurisdiction, and some statistics on violations vs. warnings issued. A question and answer session ensued after the presentation. A summary of the staffing and enforcement information provided follows.

**City of Miami:** eight officers not including Sgt. Gonzalez, seven days a week in 10 hour shifts with an estimated 50% to 60% of issued citations related to manatee infractions.

**City of North Miami:** two officers and two vessels four days a week in 10 hour shifts with 147 citations issued this year to date.

**Bay Harbor Islands:** one full time and one part time officer with four 10 hour shifts a week with 850 citations this year to date with about 70% issued citations for manatee violations. Most tickets issued in the area outside of Indian Creek Island and also south of 79 Street which includes the main channel.

**Sunny Isles Beach:** 10 hour shifts, four days a week which is the same as the neighboring city, Aventura. Proportionately the same amount of warnings and tickets are issued for manatee infractions.

6. **Presentation by Pam Sweeney of the Florida Department of Environmental Protection's Biscayne Aquatic Preserve Manatee Awareness Group (MAG)** highlighted that MAG was initiated in Miami-Dade right after the adoption of the local MPP to provide technical and educational support to the County and municipal law enforcement agencies. In addition to local enforcement and environmental agencies, the participation has grown to include law enforcement agencies from Broward and Palm Beach Counties and members include, FWC, USFWS, DEP, FIND, FIU/UM/NOVA, Seaquarium, and NGOs including Tropical Audubon and Marine Rescue. Initiatives include K-12 education, officer training, published materials, and educational signage for upland areas including all public boat ramps, and most recently supporting a hotline that allows the public to report damage to in-water manatee signage (for repair or replacement by FWC). Ms. Sweeney's presentation is included by reference.

7. **Review of Data Collection Timeline** graphic presented by Dr. Markley from DERM generated committee discussion about how and when the MPPRC should begin to draft recommendations for the BCC. Chair Prieguez advised the Committee that a time extension, though not impossible, is not probable. He will expect formal recommendations for revisions from the members beginning as early as December but no later than February, and that he will develop some guidelines for doing so in order that the proposals are not overwhelming and have been vetted by the entire committee. Mote Marine will come to one of the next few meetings to present data collection information so far. In response to a request by Mr. Bibeau, Dr. Markley agreed to clarify in the timeline tasks to show that all committee meetings are public. Dr. Markley also reported that DERM received the second quarterly report from Mote Marine Lab on September 22. DERM will determine if it meets the contract requirements, and distribute it to the committee members.

#### **8. Review of Draft Minutes of July 16, 2008**

This discussion was preceded by remarks from DERM's Director, Carlos Espinosa, concerning comments made during the July meeting about DERM's permitting program. He explained that DERM staff is instructed to provide the facts as they see them and be up front with applicants about what can and cannot be approved. Each application for slips is handled on a case by case basis by looking at all the facts and other relevant factors when determining the number of powerboats. He reiterated the 1995 inventory of marine facilities and slips is only a list and it does not grandfather facilities or slips. He stated that the MPPRC and applicants need to recognize that dry storage facilities (particularly very large facilities) did not historically exist on the Miami River and they are not compatible with the current MPP. Mr. Espinosa assured the MPPRC that he and DERM staff are available at any time to discuss applications with anyone. In closing, he stated that DERM wants to assist and

help the MPPRC as much as possible but that staff deserves some professional courtesy. Chair Prieguez thanked the DERM Director for DERM's assistance.

Chair Prieguez then presented a memo from Mr. Robert Duvall of the Miami-Dade County Attorney's Office dated July 24, 2008 outlining the requirements for documenting minutes for meetings of the MPPRC. Chair Prieguez asked each member to read the memo and stated that in the context of the committee's purpose the approval of the minutes from the previous meeting should just be a formality unless there is a blatant mistake or an obvious black and white error. Otherwise, the meetings are videotaped and available to the public for review at their request if they want more detail. Mr. Prieguez did note that he sees an exception for the February 29, 2008 meeting where audio was not successfully recorded and therefore, those minutes can continue to be discussed if need be so discussion will be allowed when something like this happens and the tapes can not be reviewed.

T. Spencer Crowley motioned for approval of the draft July 16th minutes. All members present except Mr. Bibeau voted yes, with the exception of Mr. Bibeau who voted no.

Chair Prieguez reiterated that the minutes do not have to be a word for word transcription as long as they are recorded. Chair Prieguez stated that Mr. Bibeau could make a motion to amend the July 16, 2008 minutes, which Mr. Bibeau then did. Mr. Bibeau moved that the minutes of the July meeting should be amended to include his comment that in regard to slides presented at the July meeting "entitled 'County Boat Ramp Launches 2007' and the second slide entitled 'Manatee Deaths by Month All Causes 1996-2007' when you compare the two, the data reflects that the months with the most boat launches have the least deaths and the months with the least boat launches have the most deaths". The motion was seconded by Mr. Bunnell. Upon being put to a vote, the motion failed. The votes were as follows:

Brett Bibeau - yes	Lynda Green - no
Richard Bunnell - yes	Mark Lewis - no
T. Spencer Crowley III - no	Kate L. Mansfield - no
Judith Futerfas - yes	Manny Prieguez (Chair) - no
David Gardner - no	Dick Townsend (Vice Chair) - no
Julia Zaias, Ph.D. - no	

While Mr. Bibeau was discussing his next motion to amend the minutes, Mr. Crowley and Ms. Green left the meeting (i.e. prior to the next vote).

Mr. Bibeau's next motion was to include his question about notification to property owners who have businesses that are being removed from the 1995 corrected facility list and his recommendation that those owners be notified by DERM. Mr. Bunnell seconded the motion. The motion failed. The votes were as follows:

Brett Bibeau - yes	
Richard Bunnell - yes	Mark Lewis - no
Kate L. Mansfield - no	Julia Zaias, Ph.D. - no

Judith Futerfas - yes  
David Gardner - yes

Manny Prieguez (Chair) - no  
Dick Townsend (Vice Chair) - no

Mr. Bibeau then motioned that the minutes be amended to include, verbatim from the meeting tape, the 5 facilities with duplicate slips listed under two different names for each facility in the 1995 marine facilities list which were removed from the list. Mr. Bunnell seconded the motion. The motion failed. The vote was as follows:

Brett Bibeau - yes  
Richard Bunnell - yes  
Kate L. Mansfield – no  
Judith Futerfas - yes  
David Gardner - yes

Mark Lewis - no  
Julia Zaias, Ph.D. - no  
Manny Prieguez (Chair) - no  
Dick Townsend (Vice Chair) - no

Ms. Futerfas then requested copies of all of the tapes of the meeting for which she was not present due to her late appointment to the MPPRC in April 2008.

Mr. Bibeau suggested that the meetings be fully transcribed. Mr. Prieguez reiterated that this is not necessary because of the tapes. He then opened the floor to public comment.

## **9. Public Comment**

Ed Swakon stated that funds to be received annually from FIND by the FWC for administering signage is for the entire 13 county region which is within FIND's jurisdiction. He suggested that the MPPRC make recommendations to the BCC that the FWC get increased funding for signage or at least as much funding for signage as FIND had. He also recommended that the MPPRC look at historical funding from FIND for Miami-Dade County and compare to current funding.

Mr. Swakon referenced the list of items he handed out at a prior meeting which he thinks are significant issues with the plan. He stated that the MPPRC can discuss some of them before the Mote study is completed. Specifically, he thinks the concept of a slip transfers needs to be discussed in terms of geographic areas, slip numbers, etc. He also suggested the MPPRC deliberate and discuss the variance process in the current plan which he states is difficult to qualify for. He stated further that those 2 items will require quite a bit of time to work on and recommended that they be addressed soon.

After public comments, the Chair then opened the floor to discuss a 3-part motion from Mr. Bibeau that the MPPRC make immediate recommendations to the BCC for the following:

1. A recommendation for increasing enforcement of no wake zones and to establish the MPP recommended law enforcement task force to discuss issues related to manatee enforcement.
2. A recommendation that during the fall legislative session that the County advocate an amendment of Florida Statute 327.73 to increase the amount of the fines and to make fines on an escalating scale for the number of offenses

and that they consider serious consequences (as an example revocation of boater registration) after a certain number of offenses.

3. A recommendation that all or a portion of the enforcement fees go toward additional enforcement of the manatee no wake zone rules

Mark Lewis seconded the motion for purposes of discussion. A significant amount of discussion occurred regarding the motion. Mr. Bibeau agreed to remove the first and third recommendations listed above from the motion after several members of the committee and Chair Prieguez suggested that they could be considered for inclusion in the MPPRC's final recommendation package to the BCC at the conclusion of the committee's term.

The revised motion was ultimately made (and seconded by Mr. Bunnell) as follows:

That a letter be drafted and submitted to Commissioner Barriero's office for presentation to the BCC. Said letter would include the recommendation for an amendment to State statute 327.73 to increase the amount of the fines. In addition, for repeat offenses revised fines should be based on an escalating scale depending on the number of offenses and to have significant consequences result after numerous violations.

The vote was unanimous in favor of the revised motion.

**NEXT MEETING:** NOV 5, 2008 to begin at the revised time of 12:30 PM

The meeting adjourned at 5:30 P.M.